IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2041 OF 2007
IN
FIRST APPEAL NO.1165 OF 2007

Yellappa Gangaram Kurhade
since deceased by his legal heirs
& representatives .. Applicants

Vs.

Vishwanath Dattatraya
Karhadkar & Ors. .. Respondents

Mr.V.S.Gokhale for the applicants

Mr.R.S.Apte i/b Mr.Vaibhav Patankar for the respondent nos.1 to 8

CORAM : J.N.PATEL &
SMT.R.S.DALVI, JJ.

DATED : 10TH APRIL, 2007

P.C.:

1. Heard.

2. On the appellants depositing the decretal amount with costs and continuing to deposit mense profit as decreed in the suit from the date of

filing of the suit until further orders, there will be stay of the execution of the decree in so far as it relates to possession.

3. The use and occupation charges for the current month be deposited on or before 10th of the following month. On the amount being deposited, the respondents would be entitled to withdraw the same. In so far as arrears are concerned, time is granted to deposit all arrears from the date of filing of the suit till 31.03.07 on or before 31.07.07. Breach of any of the conditions by the appellants, which have been stipulated for granting stay of possession, would result in vacation of the order of stay of possession and the respondents would be at liberty to execute the decree of possession without any further reference to the court.

4. Civil Application disposed of accordingly.

(SHRI J.N. PATEL, J)

(SMT. R.S. DALVI, J)